

WORK SESSION OF DECEMBER 18, 2007

Mayor Weinstein called the meeting to order at 7:30 p.m.

PRESENT: Deputy Mayors Etlar and Tedeschi, and Councilmembers Baratta and Trawinski

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Rosenberg

Municipal Building Security System:

Manager Metzler stated that Chief Rose, Captain Cook, Sgt. Uttel and Chris Sills from Net Eyes Security were present to answer questions about the security system. A request was made for a change order of \$10,540.40. There is a limit of 20%. The change order was 17%. He noted that it was ultimately the Mayor and Council's decision, with input from Attorney Rosenberg.

Chief Rose stated that he asked Captain Cook and Detective Sgt. Uttel to volunteer on this project as they had experience with the prior security system. He complimented them on a job well done. Captain Cook introduced Chris Sills, the technical expert from Net Eyes Security. Captain Cook explained that three or four years ago they realized that the current system was not working properly and it was cost prohibitive to keep repairing it. They could no longer video tape. He applied for a grant for security cameras three years ago through Homeland Security but the grant was denied. He later requested funds to replace the camera system in the Borough Hall and the project was approved for 2007. He had spoken with a vendor when he applied for the first grant and obtained a written proposal. He called the same vendor back when the capital budget was approved to update the proposal. He reviewed the specifications with Sgt. Uttel, visited various shows to see the equipment, did research online and then wrote up the specifications that went out for bid.

Captain Cook noted that seven or eight vendors returned bids. Some vendors used equipment equivalent to what was in the bid. Net Eyes Security bid on the actual specified equipment and was the lowest bidder. He explained that after the bid was awarded the vendor took their specifications to a Panasonic representative. He and Mr. Sills met with the Panasonic representatives who toured the building. The representatives made recommendations to the vendor on better ways to meet the objectives requested by the Police Department. The price was reworked and he submitted the change order.

Captain Cook explained that there were several items that were not considered initially such as the audio of the cell area. Channel space was required which impacted the frames. Mr. Sills explained that the original equipment was a 30 Frame Per Second Unit. A single recording device can take 16 cameras in. The manufacturer indicates the number of frames that each recording device can capture. The equipment did not meet the specifications. Thirty frames per channel were needed to apply audio so that it looked real when they were talking. The frames accounted for the major impact on the price increase. It was necessary to go from a 30 frame unit, which was the incorrect specification for this job, to a 480 frame which would give 30 frames on every camera in the system, which would provide real time imaging.

Captain Cook explained that they had used the recommendation of a different vendor who had given them a proposal based on the grant work done three years earlier. That vendor did not consider the audio component of capturing information in the cells. Mr. Sills stated that whenever he is awarded a job that he did not work on initially, he brings in the manufacturer to make sure the specifications can accomplish the goal.

Councilmember Baratta inquired if the higher bids contained a higher number of frames in their units or if they met the specifications exactly as written. Captain Cook stated that some of the bids were exact and some used technical language to indicate the equipment was substantially equal. They did not investigate those bids because they were higher. Substitutions of equipment that meets or exceeds the specification was allowable. Councilmember Baratta clarified that this adjusted bid price was still lower than the other original bids. Captain Cook confirmed that it was.

Deputy Mayor Tedeschi inquired if the system would satisfy the Police Department's needs without the \$10,540 enhancements. Captain Cook did not feel that it would. Deputy Mayor Tedeschi noted that it was bid without satisfying the needs. Captain Cook stated it satisfied their needs at the time the bid specs were written. He stated that the project could be done for the initial bid cost but the manufacturer did not recommend it, and it would not achieve their initial objectives.

It was the consensus of Council that they proceed with the change order for the Municipal Building Security System.

EMS LOSAP - Changes:

Manager Metzler introduced Assistant Support Specialist Van Kruiningen, who is responsible for overseeing the LOSAP Ordinance and Program and Dan Furphy, president of the Ambulance Corps were present. Assistant Support Specialist Van Kruiningen stated that the Ambulance Corps had requested changes in the current point system. The Ambulance Corps eliminated the associate's position so it was no longer necessary to have a point schedule. They would like to add a special events category, gaining one point for every special event attended up to a maximum of ten points. They would like to expand the points earned for serving on a committee to a maximum of six points. They held a LOSAP Coordinator's meeting and everyone agreed to the changes. Manager Metzler added that if a member only has 99 points at the end of the year they do not receive anything. Records are kept electronically so a member can be advised how many points are needed to reach the 100 points. He stated that they could not look at the total maximum points collectively. He suggested they look to see if the maximum points in a particular category were reasonable, as they did not want to have a mediocre member easily obtain 100 points. The audits were kept on record and the member was invited to review the report. There has never been a problem.

Councilmember Trawinski asked Manager Metzler and Assistant Support Specialist Van Kruiningen if they recommended the change. Manager Metzler and Assistant Support Specialist Van Kruiningen confirmed their recommendation.

Mr. Furphy stated that the Associate Membership category was eliminated from their organization so they are no longer able to earn any points. There are some grandfathered members with more than five years of service who are earning points, but they are not able to make the 100 point minimum based on today's requirements. He noted that although they did not modify the overall point schedules, they wanted to empower those members who weren't volunteering as much as their full time members. It would be possible for them to earn points but extra volunteer time and effort would be needed to obtain 100 points.

It was the consensus of Council to proceed with the changes to the Ambulance Corps' point system for the LOSAP program.

Council Liaison Reports:

Deputy Mayor Etler stated that he attended the beefsteak dinner which followed the December meeting.

Councilmember Baratta stated that she received an email from Jane Spindel inquiring about the Tree Committee and registering concern about enforcement and education on the ordinance.

Councilmember Trawinski stated that the jujitsu place received the \$15,000 facade improvement loan from Columbia Savings Bank, which was funded by a grant program.

Mayor Weinstein reported that the Property Maintenance Committee sent a letter to the Council and Manager Metzler regarding the planting of trees on County roads such as Fair Lawn Avenue and Saddle River Road. He would like to discuss this policy at a future work session. The Committee feels that these roads serve as entrances to the town and should be beautified. He suggested sending letters to residents to see if there is any negative reaction to planting trees. He suggested this proposal be discussed with the Tree Committee.

Manager Metzler stated that the letter was forwarded to DPW Supt. Conte and the Shade Tree Department. He will send Mr. Bate a letter asking him to identify tree planting locations so that the Shade Tree Department can verify that they are viable locations. There was concern about the Wagaraw Road approach from Hawthorne, particularly in the site they are hoping to acquire from Lackland, as there is a 16" water main from Passaic Valley in that area and a high pressure gas main. Councilmember Trawinski suggested that locations be checked to make sure they do not interfere with sight triangles and driveway access. He would like to discuss the pros and cons of planting in the right of way without notice to residents and suggested they add that to a future agenda also. He clarified that he wanted to discuss this subject as a general concept and not in conjunction with property maintenance. Lyncrest used to be a canopied street but trees were lost in the Norwegian

blight. Council gave residents the choice of whether or not they wanted the trees replaced. There are still several areas without significant trees. He would like to revisit the report that Manager Metzler completed on this subject. He noted that Walter Neill had a compromise to this planting problem.

Garage Sales:

Deputy Mayor Etlar acknowledged that letters were received objecting to the proposed garage sale ordinance but felt someone had to represent the people who are unhappy with all the garage sales. He suggested they lower the fee to \$5 from \$10 and allow three sales per year. He felt there should be some control. Councilmember Baratta stated some people felt the sign stipulations were too restrictive. Deputy Mayor Etlar suggested they allow smaller signs to be placed in the right of way. Mayor Weinstein explained that would require an ordinance change. Deputy Mayor Tedeschi was concerned that everyone would be placing signs in the right of way.

Councilmember Trawinski thought there was an overaction on this issue. He suggested they add a sunset provision of two years to see if further revisions were needed. Manager Metzler suggested setting aside two weekends a year in the Borough as garage sale weekends when the fee and sign restrictions were waived. Permits and restrictions would apply for all other weekends. He stated that Butler takes out a full page ad identifying the locations of all garage sales. He suggested using the permit fees to pay for an ad. Mayor Weinstein stated that Margate follows this concept and the DPW picks up the items that weren't sold. He was not in favor of restricting garage sales. He suggested they have a town wide garage sale first to see how well it works and then make a decision. He stressed that he was not willing to ban garage sales at this time. Councilmember Trawinski thought they should reasonably regulate garage sales. The two biggest issues were signage and fees. He suggested finding a way to permit signs without opening up the right of way for every type of sign, and shorten the sunset period to one year.

Deputy Mayor Etlar sees the same people having garage sales. He stressed that someone has to speak up for those who do not want the sales. Councilmember Baratta felt they should designate certain weekends for town wide garage sales and enforce restrictions and fees for sales held other times of the year. Mayor Weinstein felt this would cause enforcement issues on weekends.

This issue was tabled until next year.

Fee Increases:

Manager Metzler distributed reports reflecting the changes discussed at the last work session. A 15% increase was applied to the Food Handler's category for less than 10 employees, and a 25% increase in all other categories through 2011. He noted that they felt the Municipal Court increases of 4% per year from 2004 was reasonable.

CFO Eccleston was present to clarify the fees relating to the water meters. He stated there were approximately 11,000 water users. There is a standard surcharge of \$1.95. All

residents and commercial businesses pay a \$1.95 surcharge in addition to the per gallon fee. The Collector is recommending an increase over a five year period and is requesting they increase the fee to \$5 now. They collect approximately \$21,000 through the \$1.95 surcharge. A \$5 surcharge would bring in \$55,000, which would be an increase of \$33,000. He felt they needed other sources of revenue in addition to the rate increase. It was a way to bring in extra revenue without raising fees too high next year. CFO Eccleston stated that they would have a \$285,000 deficit in revenues this year. He expected to end the year with only \$90,000 in surplus. As the water utility budget goes up the surplus has to increase also. The surplus keeps decreasing since they are using it to offset water rates.

CFO Eccleston explained that the main Passaic Valley line was down for the first four months of 2007. He noted that Passaic Valley's water was less expensive. They used Hackensack's water during the summer when the demand was large. This was the original reason for the \$125,000 emergency request. He stated that the final water bill was received and he was reducing the request by \$25,000. He suggested they raise the miscellaneous fees slightly each year, in addition to normal rate increases to get the water utility back in line. If they continue to have seasons like 2006 and 2007 the water expenses will continue to rise. Deputy Mayor Etlar pointed out that they ask people to conserve water and then it ends up costing the residents more. CFO Eccleston stated that the purchase of water is one of the largest items in the budget. Passaic Valley was increasing their rates the next three years by 6% and United Water was approved for a 16% increase. He thought they were close to the legal limit of what could be pumped from the Borough. They needed to use water from Hackensack Water in the summer months but after that they will shut Hackensack down.

Manager Metzler noted that Councilmember Baratta had questioned increasing the fees for cat licenses, and explained it was not reflected in the Municipal Clerk's Action Taken report but the Health Officer recommended that the cat license fees not be raised unless the dog license fees were also increased.

It was the consensus of Council to approve the fee schedule for 2008.

Grants for Tree Inventory:

Councilmember Trawinski stated they had obtained a grant for a tree survey many years ago. He pointed out that DPW Superintendent Conte's report in March, 2007 noted that trees in some locations that disappeared. He felt that a data base inventory would help. If there had been a data base of maple trees before the Norwegian blight struck they may have been able to warn residents to take precautions to protect the trees. He suggested they explore the feasibility of obtaining another grant from the DEP and ask the Tree Committee to implement the project.

Manager Metzler stated that the tree inventory was done in 1999 or 2000. According to Walter Neill the Borough has kept an inventory of where trees were removed, planted and what their deficit was since 1999. He noted that Mr. Neill believes the inventory is invalid as there were two separate inventories that were never combined. Since 1999 there is a deficit of 1,925 trees.

Deputy Mayor Etler inquired if the deficit was due to people who did not want trees. Manager Metzler confirmed that it was and noted that one year they did not spend the funds allocated for tree planting as residents did not want them. Councilmember Baratta stated that they placed ads in the paper and got the information out to residents. Mayor Weinstein suggested they pursue this more aggressively.

It was the consensus of Council that they apply for a grant to do a tree inventory and create a data base.

Status of Grant Writer for Capital Project:

Attorney Rosenberg stated that Council had wanted to do a RFP for a grant writer last spring. The RFP was prepared. Municipal Clerk Kwasniewski wrote to the State but they wanted justification for the RFP process. He has seen no less than a dozen RFP's from various Bergen County municipalities for grant writers and they did not have a problem making this a professional services contract. Attorney Rosenberg recommended that Council send the RFQ out for the grant writer. It will not include existing grants. He and Municipal Clerk Kwasniewski are prepared to do the RFQ immediately.

It was the consensus of Council that Attorney Rosenberg and Municipal Clerk Kwasniewski prepare the RFQ.

Comp Time Sick Time Caps:

Deputy Mayor Tedeschi felt it was time they started thinking about capping comp time and sick time. He wondered if Council should start looking at how this would be negotiated. Councilmember Trawinski thought that the labor contracts already have comp time caps. Mayor Weinstein wondered about the other Department Heads. CFO Eccleston stated that anyone who was hired after April 26, 1988 does not get paid for sick time when they leave, with the exception of the Police Department. There are 62 people left that will get paid for sick time out of the 178 people that were on staff in 1988. This was the result of contract negotiations. All employees who came in 1990 or later do not get health benefits when they leave.

CFO Eccleston explained that white collar workers are only allowed to accumulate 35 hours of comp time. Blue collar workers are allowed to accumulate 40 hours. Police Officers can accumulate 100 hours which must be used by November 15th or it is paid to them. White and blue collar workers and the Police Department are required by law to get either comp time or overtime. It cannot be taken away but it can be capped. With the exception of the Police Department, it is one week's worth of time. Vacation is also capped. An employee can only carry over one year's vacation.

CFO Eccleston stated that the State requires that the exact value is priced out each year. He has set aside everything except \$200,000. He started setting aside funds in a dedicated rider fund in 1988. He expects to have this fully funded in the next two years. The money will be set aside and will have no budget impact.

CFO Eccleston stated that the average person receives about \$30,000. It was \$10,000 but they raised it a couple of years ago to \$15,000. The cap is actually 40 - 60% of your sick time. Municipal Clerk Kwasniewski stated that each year there is less and less people eligible. CFO Eccleston noted there are 62 people left who are eligible for this benefit.

Mayor Weinstein inquired if Deputy Mayor Tedeschi was satisfied with the fact there was a control over these items. Deputy Mayor Tedeschi indicated that he wanted review the information presented.

Employee Wellness Program:

Manager Metzler stated they wanted to encourage the employees to be healthy. He asked for Council's permission to include the Parisi complimentary offer with the employees' paychecks, and to be able to transfer comp time from one employee to cover a week of vacation time as an incentive to participate in the program.

Manager Metzler stated that the purpose of the program was to promote wellness among the employees. The employee did not have to join Parisi's in order to participate. Parisi's gym has offered to do some health\ wellness programs in the Borough. The Health Officer also has a number of contacts. He will attempt to find corporate partners willing to donate a pound of turkey to the needy for each pound of weight lost by an employee. Employees who don't need to lose weight can participate by attending the wellness program or by donating money to their fund to purchase additional food. There is an incentive for the Borough because health care claims would be reduced if the employees were healthier. There is an incentive for the employee because for every five pounds an employee loses, or for every \$5.00 donation they would get their name put in the drawing. Their name would also go in the drawing if they attend the wellness seminar, which will be held twice during workday hours. An employee who participates in the organized sports can also have their name entered into a drawing. They would draw a name at the end of the year retirement luncheon and the winner would receive an extra week's vacation in 2009. There is no cost to the Borough as the vacation week would be taken from donated comp time, certified by CFO Eccleston.

Attorney Rosenberg questioned the affiliation between Parisi's and the Borough's wellness program. Mayor Weinstein stated he was a member of Parisi's Health Club. This is a program that the manager of Parisi's developed and which several other towns actively participate. Deputy Mayor Tedeschi stated that the Community School runs several programs with Parisi's. He noted that in 1994 he proposed a wellness program. He noted that according to a study by Johnson and Johnson, for every \$65 they invested in a wellness program, they were getting a reduction of about \$140 in medical expenses.

Manager Metzler reiterated that an employee did not have to belong to Parisi's to participate. The Borough Nurse would do a weigh in twice a month and keep track of the total pounds lost. There are employees who are under doctor's orders to gain weight. For every 5 lbs. that they gain during this program, their name will go into a hat. Everyone can participate. An employee already in shape and at the correct weight should still attend the wellness programs and can participate in the organized sports that will be done in the evening.

Deputy Mayor Tedeschi supported the program but felt the employees should receive certification from their physician that they can participate. He would be concerned having employees proceed without health clearance. He felt they might incur liability if something happened. Councilmember Baratta stated Parisi's makes the member sign a disclaimer stating that a doctor's permission has been obtained. Manager Metzler stated that Parisi's was not involved in the food portion of this program. Mayor Weinstein stated that Parisi's has been a good neighbor and has taken part in many of the volunteer activities in the community.

Attorney Rosenberg requested time to investigate the liability of the Borough in such a program.

It was the consensus of Council to approve the Employee Wellness Program and give Attorney Rosenberg time to investigate the Borough's liability.

William Street Access County Park Road System:

Manager Metzler stated that the County was proposing extending William Street, with a macadam access road to a parking area near Saddle River Road by Beaver Dam brook. Deputy Mayor Tedeschi inquired if they were planning to build a commuter parking lot. Manager Metzler stated that there would be approximately 36 parking spaces. He noted that this was a dead end street with an access going. The County is going to do this on County land. This is informational only, so that they are aware when William Street residents begin to call. Councilmember Trawinski inquired if they were going to tell the residents about the County's plan so that the residents can voice their concerns to the County.

Attorney Rosenberg stated that the County was not required to notify the residents. Mayor Weinstein felt that they should send letters to the residents of William Street immediately informing them of this project and advising them to address their concerns with the County.

Request to Cancel \$5.00 Late Charge - 15-02 Eberlin Drive:

Manager Metzler stated there was a resident with a faulty sprinkler system that has a balance of \$405 on the water bill. The resident is not contesting the charges. He met with the resident and the Collector, who advised him that payment plans were worked out in the past. The resident will pay down the bill before it reaches a tax sale. He is requesting permission to drop the \$5 penalty through the payoff period of this bill.

Deputy Mayor Tedeschi suggested they empower Manager Metzler to make these decisions. CFO Eccleston stated that the ordinance would have to be amended.

It was the consensus of Council that the \$5 penalty be waived and that Manager Metzler be given the discretion to make this decision in the future.

HARP Contract:

Manager Metzler stated that HARP had requested a 5% increase and he was requested to ask if they would accept a 2 ½ or 3% increase instead. HARP would not agree to a reduction. He stated that Health Officer Wagner pointed out that the three fourths of the

contract is paid out of the Public Health Priority Funding Grant and the remainder is paid out of the Health Department budget. He stated that Health Officer Wagner recommends awarding the contract with the 5% increase. He noted that she was not aware of any other vendors.

It was the consensus of Council that HARP be awarded the contract.

Snow Busters:

Manager Metzler stated that senior citizens are having a problem with snow removal. Officer Failla told him about a program in Cliffside Park that is run through Community Policing. Assistant Support Specialist Van Kruiningen was assigned the task of implementing a similar program with less direct community involvement. They would sign up the residents and connect them with the people who are shoveling, but there would be less interaction between the people doing the snow removal and the Police Department. They would not be bringing the snow shovelers to the homes.

Assistant Support Specialist Van Kruiningen explained that this was a volunteer program. He and Wendy Demeraski would be the coordinators. The program will be advertised through the Borough website and other Borough information sites. The Office of Emergency Management will seek volunteers to clear the snow from the sidewalk and one walkway to the residence. The benefits are personal satisfaction, recognition from Borough Officials, some fresh air and exercise. Recipients will be Fair Lawn residents that are senior citizens or persons with disabilities that do not have anyone able to provide this service within the home. The Borough will activate the program once the DPW begins to plow the streets. If the DPW is only going out to salt the system will not be activated. If it is less than three inches of snow the residents would need to make their own arrangements.

Assistant Support Specialist Van Kruiningen stated the volunteers and recipients will be notified via their telephone reporting system. He will record a pre-programmed message that will notify the volunteers that the system has been activated and advise them to call either him or Ms. Demeraski so that they can begin to schedule. The volunteers will be 16 to 65. Volunteers under the age of 16 must obtain parental/guardian consent. There will be a waiver sign off sheet. There are always concerns about background checks. Snow shovelers will be considered a volunteer through Emergency Management and can be fingerprinted by the Police Department at no cost. He felt that if they indicated to a volunteer that they needed to come in for fingerprinting and there was something in their background, the volunteer would most likely choose to not come in and their name would be removed from the list.

Assistant Support Specialist Van Kruiningen will try to schedule the volunteers to a location close to their home so that younger volunteers can walk. There will be no direct contact between the volunteer and the person receiving the service. Volunteers are not to ring the bell and offer additional clearing services for a fee. Scheduling will be maintained through Fair Lawn Emergency Management. No transportation is provided. He was looking into providing shovels and perhaps safety vests that say Borough of Fair Lawn. Volunteers can be issued a Borough I.D. Emergency Management will do an orientation every October for all volunteers, who must register each year. He will publicize this program through the

exposed to all types of hazardous risk on both private and public property. Attorney Rosenberg stated that they were covered by the Good Samaritan law. Councilmember Trawinski suggested they speak with Senator-elect Gordon about expanding the law.

Councilmember Trawinski stated that Cliffside Park must face this issue. Mayor Weinstein wondered about the liability of CERT workers who are sometimes out in the street directing traffic. He did not think that there was a great risk of medical liability with volunteers 18 years old and younger, but wondered how that would be covered. Attorney Rosenberg felt it would be covered under the Good Samaritan law and their own volunteer programs. He asked if the Police would be precluded from issuing a summons to someone on the snow list whose walk wasn't shoveled because they were waiting for the volunteer. These are some of the issues that need to be worked out. Mayor Weinstein stated they will try to get a volunteer out but if that is not possible it will remain the homeowner's responsibility to get the snow cleared within 12 hours of cessation. He would like to try this program.

Manager Metzler suggested that Attorney Rosenberg put a waiver on the volunteer registration form. Attorney Rosenberg stated he would prepare a release and hold harmless form for both the volunteers and homeowners. He wondered how they would advise a homeowner that they still remain liable for snow removal under the ordinance. He will work on this with Manager Metzler and Assistant Support Specialist Van Kruiningen. Councilmember Baratta suggested wording in the event of damage to a resident's property. Attorney Rosenberg stated that was covered under the release. Deputy Mayor Tedeschi verified that background checks would be completed on everyone over 18 years of age.

It was the consensus of Council that the Snow Busters program proceed.

Contract Renewal for Riverside Cooperative:

Manager Metzler stated that the contract must be renewed under the State guidelines.

It was the consensus of Council that this contract be renewed for five years.

Discussion Concerning Borough Manager's Acquisition of Vehicle: 100:20

Deputy Mayor Tedeschi made the following statement:

I put this item on the agenda tonight because I am concerned with the details on the purchasing of the Manager's vehicle. From what I understand at the present time, I believe our system of checks and balances has failed. I want to know all of the facts surrounding this vehicle so that we can make sure, for the future, that nothing falls through the cracks and that we can exercise our oversight responsibility in a proper manner.

By way of background, I believe that the Council authorized a certain number of police cars which were received, but at the same time the Manager's car was ordered as a police car and all of this was processed through the BCIA.

I don't believe that the Council, through the 2007 budget process, authorized a new

Manager's car nor would we have purchased an extra police car to be used by the Manager.

I have questions with regards to how did the transaction occur, who authorized it, and what paperwork was involved. Did Fair Lawn represent to the BCIA that it was purchasing a police car when it's intent clearly was not to do so? Where is the funding coming from? At what part of the process should the Council have been specifically advised of this purchase? Do our present procedures for vehicle acquisition contain the proper checks and balances so that no unauthorized vehicle can be purchased? Does the Council, with staff input, need to beef up our procedures so that this situation won't occur in the future?

In order to properly evaluate what has happened and what we should be doing in the future, I believe that the entire Council should have the opportunity to review all of the documents relating to the transaction, which would include all contact with the BCIA, purchase orders, delivery documents, use of existing funds and obviously the purchase contract. If I have left out any document, I am sure that everyone understands that the Council should have all documentation for its review.

Once we receive these documents we should have the opportunity to review and absorb their impact so that we can intelligently discuss this with the entire Council. I am sure all members of the Council feel the same way.

Until we have an opportunity to fully understand what happened and, more importantly, why it happened, in my opinion it would be premature for the Council to take any action in the absence of this information. What we decide should be incorporated into the 2008 budget process. So it is my intention that once all the documentation is received and we have an opportunity to review it, we can place it on a future work session and receive input from the Manager and the CFO and anyone involved in the process.

I fully expect that the Council will then be able to resolve all of these issues for the benefit of our taxpayers. Every Councilmember has pledged transparency in Government at one time or another, and here is an opportunity to show the residents of Fair Lawn that we meant what we said. We owe it to our constituents to have all of the facts before making a decision. We owe it to our administrative staff to give them an opportunity to be heard after we have reviewed the appropriate documentation. Most importantly, this process is a test of our oversight ability and our integrity to the people of Fair Lawn.

Councilmember Trawinski stated that he had a comment for the benefit of the minutes as he was not sure if it would be reflected otherwise. His understanding is that the Manager received a RICE notice and that the Manager has elected to have the matter discussed in open session instead of in closed session. The second thing is that it is listed as Mayor and Council and Manager Metzler. He was not consulted as a member of this Council about putting this on for a discussion item. Deputy Mayor Etlar stated that he was not either. Councilmember Trawinski thought it should have been reflected as Councilmember Tedeschi's if that was his item.

Councilmember Trawinski stated he did not believe that any Manager's vehicle was authorized in 2007 and 2006. He would like to know from the Manager where the funds came from to purchase this vehicle. He wondered if Deputy Mayor Tedeschi was suggesting that somehow the Manager did something that was improper or illegal.

Deputy Mayor Tedeschi indicated that he wanted them to gather information before reaching

any conclusions. Councilmember Trawinski expressed concern about the direction they were heading. He did not think that under their form of Government the Manager needs permission to purchase the vehicle if it was in fact authorized. He would like to hear from the Manager. He wondered what they were overseeing and if it was a question of improper expenditure of funds. Mayor Weinstein replied that it was the authorization of a particular vehicle.

Deputy Mayor Tedeschi stated that he was looking for documentation so they can understand what had happened. Right now, all he knows is that the Borough Manager has a car, he can't find it in the Council budget, it wasn't approved by the Council and he would like to know how it happened.

Councilmember Baratta stated she had heard some rumblings about this about a week ago so she called the Manager and discussed this issue with him. All the information she received from Manager Metzler about the car, about how the car was paid for, about Council approving the police cars and what was done in the past has satisfied her. She did not believe anything improper was done from everything she learned on this situation. She was satisfied by the inquiries that she made.

Deputy Mayor Etler stated that he was surprised when he opened his mail and saw this. He had no indication of this before. He did not think that anything has been done improper. He stated that Deputy Mayor Tedeschi keeps asking for information when they have the Manager and CFO present who could tell him everything he wanted to know. Deputy Mayor Tedeschi stated he did not want to hear it verbally. He wanted to see the documentation.

Deputy Mayor Etler felt that Deputy Mayor Tedeschi accused the Manager of doing something improper.

Deputy Mayor Tedeschi stated the following: This is a letter to Bruce Rosenberg dated December 14th from himself, with the subject of Council Inquiry. I have Councilmatic questions concerning the Manager's new vehicle. I do not have a recollection of the Council authorizing the purchase of this vehicle and I believe that Council should obtain the following information concerning its acquisition.

At this point in time, I wish to emphasize that I have drawn no conclusions as to the propriety of this vehicle being added to the Borough's fleet. I do, however, believe that the Council should compile all of the appropriate documentation surrounding the purchase of this vehicle so that the full Council can review the process that was used.

I believe that all documentation relating to this vehicle would be subject to the Open Public Records act and over time, I probably could acquire them. However, exercising oversight authority over Borough affairs I would like you, as Borough Attorney to acquire the documents for the entire Council's consideration.

It is my understanding that this vehicle may have been financed through the BCIA. If that is so, I suggest that the following documentation be obtained from either the Borough, the BCIA or any other source:

1. Any documentation indicating that the Council approved the acquisition of this vehicle.

on the Council with Mayor Ganz and Deputy Mayor Etlar. What he was hearing was that they borrowed \$139,000, they had \$19,000 that they didn't use and that the Borough wasted interest on under their tenure.

Mayor Weinstein stated that it was \$130,900. Of the \$130,000 only \$105,000 was used for five police cars. The point is that the BCIA situation occurred in 2004, while he was on Council, but this transaction of \$19,700 occurred at the beginning of this year, 2007. In 2006, they decided not to use BCIA bonding for any further purchases.

Mayor Weinstein expressed concern that after the Council agreed not to use the BCIA two years ago, they went back to the BCIA to purchase another car.

Councilmember Baratta wondered if the goal was to look at the procedures and perhaps change them for next time.

Deputy Mayor Tedeschi replied that his concern was that in this case the Council did not approve the purchase of the car, but the process proceeded anyway. He wants to see the documentation for this purchase.

CFO Eccleston stated that they will get a voucher, a purchase order, an invoice and a letter that was sent to the BCIA saying "pay it". There is a lease for each project.

Manager Metzler stated he was approached by both the Mayor and Deputy Mayor concerning this particular vehicle. Although he does not think that there was anything improper in purchasing this vehicle, he believes in retrospect he should have brought the request to the Mayor and Council before purchasing it.

He is not the first Manager to have a police vehicle. Managers Sacks' car not only had emergency lighting and radios, it also had undercover license plates on it. Unlike Manager Sacks, he is an emergency responder. Manager Kendall's vehicle also had a police package in it.

Manager Metzler explained that he had been unable to include all the vehicles he would have liked to in the budget. Chief Rose advised him that there was money left in the Bergen Bank from 2005. He did the research and purchased the car.

Deputy Mayor Tedeschi stated that he is concerned because the Council did not know about the car. The issue is the process. The people of Fair Lawn hold this Council accountable for the monies they spend. The issue is how does this thing work it's way all the way through the system and nobody on the Council knows.

After an explanation on the process of bonding and the BICA, Mayor Weinstein concluded that this matter will be discussed further after the requested information is received.

Upon Motion by Deputy Mayor Etler and second by Councilmember Trawinski the Work Session was recessed to the Special Meeting at 9:55 p.m.

Mayor Weinstein reconvened the Work Session at 10:00 p.m.

Public Comments:

Harvey Rubenstein, 28 Rutgers Terrace felt that rather than concentrate on homeowners the Police should focus on the bank next to the railroad station. He complimented the Borough on the wonderful job of snow removal that they did on the streets. He felt NJ Transit did a terrible job of snow removal. He felt the Police Department should be made aware snow removal should be a priority in that area.

Mr. Rubenstein stated that they could plant trees on resident's property but felt the water lines were very important because the roots could cause a homeowner three to five thousand dollars worth of damage. He mentioned at the November Planning Board meeting that the Zoning Board had giving permission for a circular driveway on Saddle River Road and the green way, the area between the curb and sidewalk, was bricked over. He asked at last night's Planning Board meeting if anything happened with that and he learned that there was no regulation in the Borough concerning the greenway. He stated that Deputy Chairman Kortright suggested that the Planning Board put this on the agenda next year to formulate a regulation that brick, stone or asphalt cannot be placed over the green way.

Councilmember Baratta thought that they had already been done. He stated that the Planning Board secretary reported there were none. Councilmember Trawinski stated that no resident was allowed to do anything on that piece of property without Borough permission. The Borough can step in and have them remove it. Municipal Clerk Kwasniewski stated residents have come before Council requesting permission to do encroach on the right-of-way. Councilmember Trawinski stated that the Planning and Zoning Boards must refer the resident to the Mayor and Council for permission. Mr. Rubenstein stated that most likely the Zoning Board didn't approve the circular driveway either, but it was built so he brought it to the Planning Board's attention. This is what came back from the Borough through Cathy Hochkeppel. Mayor Weinstein stated they would need to look into it. Councilmember Trawinski suggested they ask Manager Metzler to obtain the address of the properties in question.

Craig Miller, 5 Ramapo Terrace understood that Police cars were replaced on a regular basis. He wondered if there was a plan to replace non-police vehicles. Manager Metzler stated that he advised Council in 2006 that he would like to do that. When the budget for 2007 was prepared they were not able to achieve that goal. They will try again this year. Mr. Miller reiterated that he was talking about Borough vehicles in general and wondered if there was a time frame for replacement. Manager Metzler stated there was not.

Mr. Miller complimented the snow plower that cleared his block, truck #993 or #995, for doing an excellent job. Manager Metzler will pass along his compliment.

Manager Metzler stated that he received a complaint regarding the Radburn station in general. His secretary reached out to New Jersey Transit to notify them that the walkway

portion of their property was not maintained. The Borough maintains the parking area and there were no complaints. Mr. Miller suggested they post a reminder on Channel 77 urging

residents to help out their elderly neighbors.

Cheryl Cashin, 1 Glenfair Road complimented the Borough for doing a great job on snow removal. She felt it was a reflection on the great job Manager Metzler did. She inquired as to how many employees had a Borough vehicle. Manager Metzler stated there were ten: two Fire Chiefs, one Ambulance Corps member, the Police Chief, two Police Captains, himself, OEM Coordinator, Deputy OEM Coordinator, Superintendent of DPW, and the Sewer Supervisor. These cars were taken home by either volunteer Department Heads or select Department Heads. Ms. Cashin wondered why there was a question of someone having a car if they were required to travel as part of their job. Mayor Weinstein stated there wasn't a question about someone having a car. Ms. Cashin noted that there was a question as to how it was purchased, and felt there was an implication that something improper or illegal occurred. She did not share that feeling and felt Manager Metzler has always been upfront.

Ms. Cashin wondered if the snow removal program was open to everyone 65 years of age and over or only those residents with a certain income. She felt a large number of residents could afford to pay for snow removal and worried that they would take services away from residents who could not afford to pay. Mayor Weinstein stated he would not be in favor of income verification but agreed that was a good point. Councilmember Trawinski stated the program would work on the honor system.

Bob Wallace, 11-06 Alexander Avenue stated that Elmwood Park has a garage sale ordinance with a \$10 fee. Residents are given two signs upon application and they are the only signs that can be posted. The Police removed any other signs from the telephone poles or trees. He felt that a garage sale in the spring and fall was enough.

Mr. Wallace stated that his wife tried to pay the water bill online through his bank but it did not work properly. He received another bill for August and November with a \$5 late fee. He had the cancelled check which was hand delivered to the Water Department in a timely manner. People want the convenience of paying through their bank but the Water Department cannot process payments without block and lot numbers. The Water Department cannot use account numbers. CFO Eccleston stated there is a procedure where a resident can pay by charge card through a company. He will look into this matter. Harvey Rubenstein, 28 Rutgers Terrace asked how much the snow removal fine was. He wondered if the fine was different for a resident and business. Manager Metzler stated he would find out for him. Councilmember Trawinski stated it was \$35 and went up to \$43. There is no distinction between commercial and residential.

Mr. Rubenstein stated he would want the Borough Manager to have a Police-equipped car so that he would be able to know everything that was going on. Mayor Weinstein reminded him that was not the issue.

Closed Session:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 10:20 p.m.

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Work Session

December 18, 2007

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation - Yirce; Personnel - Appointments, Borough Manager; Anticipated Litigation - Gendler; Contract Negotiation - 10-11 Fair Lawn Avenue (Fair Lawn Deaf Program).

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need the confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Weinstein reconvened the meeting at 10:50 p.m.

ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Councilmember Trawinski the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etlar

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski